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MAILED

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OFFICE OF PETITIONS

In re Application of :
Brian Bernard McKeon :
Application No. 10/767,529 : **DECISION ON PETITION**
Filed: January 29, 2004 :
Attorney Docket No. :

This is a decision on the renewed petition, filed January 26, 2009, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of May 29, 2008, which set a shortened statutory period for reply of three (3) months. Accordingly, a reply was due on or before August 29, 2008.

Petitioner states that a timely reply was received in the USPTO on August 27, 2008, which included the following papers: a reply to the outstanding Office action. The original reply is in the file.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of May 29, 2008 is hereby **withdrawn** and the **application restored to pending status**.

Telephone inquiries concerning this decision should be directed to the April M. Wise at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3754 for processing of the amendment previously filed August 27, 2008.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions